

**TOWN OF BENNETT, COLORADO
BOARD OF TRUSTEES
Regular Meeting
August 11, 2020**

1. CALL TO ORDER

The Board of Trustees of the Town of Bennett met in regular session on Tuesday, August 11, 2020 virtually via Zoom Link. Mayor Royce Pindell called the meeting to order at 7:00 p.m. The following persons were present upon the call of the roll:

Mayor: Royce Pindell

Trustees Present: Darwin Harrell
Whitney Oakley
Rich Pulliam
Denice Smith
Donna Sus

Staff Present: Trish Stiles, *Town Administrator*
Rachel Summers, *Deputy Town Administrator*
Taeler Houlberg, *Assistant to the Town Administrator*
Danette Ruvalcaba, *Director of Finance and Technology*
Alison Belcher, *Public Relations Coordinator*
Sara Aragon, *Community Development Coordinator*
Deb Merkle, *Community Development Manager*
Dan Giroux, *Town Engineer*
Daymon Johnson, *Public Works Director*
Robin Price, *Assistant Public Works Director*
Steve Hebert, *Planning and Economic Development Manager*
Melinda Culley, *Kelly P.C., Town Attorney*

Public Present: There was no public present

2. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Mayor Royce Pindell.

3. APPROVAL OF AGENDA

TRUSTEE PULLIAM MOVED, MAYOR PRO TEM HARRELL SECONDED to approve the agenda presented.
The voting was as follows:

YES: Harrell, Oakley, Pindell, Pulliam, Smith, Sus

NO: None

Mayor Royce Pindell declared the motion carried by unanimous vote.

4. CONSENT AGENDA

MAYOR PRO TEM HARRELL MOVED, TRUSTEE PULLIAM SECONDED to approve the consent agenda as presented.

YES: Harrell, Oakley, Pindell, Pulliam, Smith, Sus

NO: None

Mayor Royce Pindell declared the motion carried by unanimous vote.

A. Approval of Minutes

Action: Approval of July 14, 2020 Regular Meeting Minutes.

Action: Approval of July 24, 2020 Special Meeting Minutes.

Action: Resolution No. 831-20 – A Resolution Supporting the Grant Application for the Energy and Mineral Impact Assistance Program Application from the Department of Local Affairs for the Town of Bennett At Grade Well 6 Site Water Tank Replacement.

Action: Resolution 836-20 – A Resolution Supporting the Grant Application for the

Energy and Mineral Impact Assistance Program Application from the Department of Local Affairs for the Town of Bennett Community Center Repairs and Renovations.

Action: Resolution No. 837-20 – A Resolution Approving and Intergovernmental Agreement Regarding 2020 Grant of Arapahoe County Open Space Program Funds Project Name: Bennett Regional Park and Open Space Fishing Pond.

Action: Resolution No. 838-20 – A Resolution Approving an Open Space Grant Agreement between the Town of Bennett and County of Adams.

Action: Resolution No. 839-20 – A Resolution Approving an Open Space Grant Agreement between the Town of Bennett and County of Adams.

PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA

There were no public comments.

5. REGULAR BUSINESS

A. Action/Discussion Items

1. Muegge Farms Filing No. 4 Subdivision Agreement

Ordinance No. 713-20 – An Ordinance Authorizing the Town of Bennett, Colorado to Enter into a Subdivision Agreement, with a Provision for Use Tax Reimbursement, for Muegge Farms Filing 4.

Rachel Summers, Deputy Town Administrator reported to the Trustees the developer has made proposed changes to the SA, based on discussions with the Board of Trustees, offering incentives by developing and creating connectivity throughout the development.

The change to Section 2.4(b) 11 reflects the payment of the water credit to be collected in full by the Town of Bennett and then reimbursed to Clayton Properties.

Section 6.8-16 is recommended by Town Staff as an effective way to reconcile the different payments and incentives offered through the program and development. The Trustees previously approved the storm credit, which will be included in this document. Staff will be able to reference, manage and track one document.

Section 8.16 includes offering reimbursement for Use Tax. The Town of Bennett will collect the Use Tax from Oakwood Homes, the home developer, which will be reimbursed to Clayton Properties. Clayton Properties will invest \$6,000,000 in regional roadways for the projects. A portion of the roadways will be connected to town and commercial parcels allowing for future development on the property. The Town will reimburse the 2% Use Tax for all 366 units for an estimated total reimbursement of (currently) \$884,000.00.

Melinda Culley, Town Attorney, reported to the Trustees, the developer would be reimbursed the 2% Use Tax and any higher rate if the Town were to increase Use Tax. If a measure by the Town were to be sent to the voters to raise the Use Tax (for example 3%), by the terms of this agreement the developer would receive the amount of the Use Tax that was approved by the voters. The Use Tax reimbursement has a 10-year sunset.

TRUSTEE PULLIAM MOVED, MAYOR PRO TEM HARRELL SECONDED to Approve Ordinance 713-20 – An Ordinance Authorizing the Town of Bennett, Colorado to Enter into a Subdivision Agreement, with a Provision for Use Tax Reimbursement, for Muegge Farms Filing 4. Voting was as follows:

YES:	Harrell, Oakley, Pindell, Pulliam, Smith, Sus
NO:	None

Mayor Royce Pindell declared the motion passed unanimously vote.

Mayor Royce Pindell called for a recess at 7:54 pm. The meeting resumed at 8:00 pm.

2. Bennett Ranch Final Plat Extension

Resolution No. 840-20 – A Resolution Approving a Request for Extension of the Time for Recording the Final Plat for Bennett Ranch Filing No. 1.

Steve Hebert, Planning and Economic Development Manager, reported on January 28, 2020 the Board of Trustees approved the final plat for Bennett Ranch Filing 1.

Filing 1 includes 173.6 acres, including 145 lots for single-family detached homes, a park, open space, storm water detention, school site, fire station site and a water storage/well site.

The Bennett Municipal Code requires the final plat and all documents, including a subdivision agreement, be recorded within 180 days of the approval date, which was July 26, 2020. The applicant is working diligently with off-site property owners requiring easements, as well as working with CDOT and the Town regarding right-of-ways, and continuing negotiations on the subdivision agreement.

TRUSTEE PULLIAM MOVED, MAYOR PRO TEM HARRELL SECONDED, to approve Resolution No. 840-20 – A Resolution Approving a Request for Extension of the Time for Recording the Final Plat for Bennett Ranch Filing No. 1. Voting was as follows:

YES: Harrell, Oakley, Pindell, Pulliam, Smith, Sus

NO: None

Mayor Royce Pindell declared the motion passed by unanimous vote.

3. Dan's Custom Construction Contract Change Order – Western Lagoon

Daymon Johnson, Public Works Director, reported on February 24, 2020, the Board of Trustees approved Dan's Custom Construction to perform the work required for the Cordella Lift Station reconstruction.

Staff is currently working on the Reuse Construction Water project, which is relining and using the old Western Lagoon to store and distribute the WWTF effluent for construction purposes. The Board approved a contract for Raven LSI Construction during the May 26, 2020 meeting to install and complete the liner portion of this work.

The next piece is the mechanical work to get the effluent from the WWTF to the Western Lagoon. This is a large scope of work to be completed, and we solicited and received a number from Dan's Custom Construction for this work. The cost of this scope of work is \$252, 748.00 including a \$5,000 contingency for the town that may or may not be used to cover unforeseen items or other upgrades we may choose.

Melinda Culley, Town Attorney, reported there are no state statutes requiring towns, such as the Town of Bennett to follow a Request for Proposal (RFP) process. The Town has adopted this purchasing policy within the Town's finance policy.

Staff recommends waiving the formal RFP process and approving the change order not to exceed \$252,748.00, to the current contract with Dan's Custom Construction. Staff believes using Dan's Custom Construction for this scope of work is in the Town's best interest.

TRUSTEE PULLIAM MOVED, MAYOR PRO TEM HARRELL SECONDED, waive the formal RFP process and approve the change order, not to exceed \$252,748.00, to the current contract with Dan's Custom Construction. Voting was as follows:

YES: Harrell, Oakley, Pindell, Pulliam, Smith, Sus

NO: None

Mayor Royce Pindell declared the motion passed by unanimous vote.

4. Enforcement of Parking Violations

Ordinance No. 714-20 – An Ordinance Amending the Bennett Municipal Code to Authorize the Code Officer to Enforce Parking Violations.

Trish Stiles, Town Administrator, reported to the Board of Trustees, the Town has seen an increase in people violating the Town's parking ordinances, especially along Marketplace Drive, even though signs are posted along with occasionally placing the message board stating No Parking Allowed. Currently, the Town's Code Enforcement Officer does not have the authority to issue parking tickets for violations of the Model Traffic Code. The parking violation citations must be issued from the Adams and/or Arapahoe County Sheriff's Departments.

The proposed ordinance would authorize the Code Enforcement Officer to issued parking violation tickets of the parking provision in the Model Traffic Code. The ordinance also allows the Town Administrator to designate additional Town employees to issue parking tickets when the Town Administrator deems it necessary to do so.

Staff recommends adoption of this ordinance as it believes doing so will allow it to increase enforcement of parking violations.

MAYOR PRO TEM HARRELL MOVED, TRUSTEE PULLIAM SECONDED, to approve Ordinance No. 714-20 – An Ordinance Amending the Bennett Municipal Code to Authorize the Code Officer to Enforce Parking Violations. Voting was as follows:

YES: Harrell, Oakley, Pindell, Pulliam, Smith, Sus

NO: None

Mayor Royce Pindell declared the motion passed by unanimous vote.

5. Bennett Board of Trustees Vacant Seat

Mayor Royce Pindell reported Trustee Phyllis Webb submitted her resignation effective July 28, 2020, therefore providing a vacancy with the Town Board of Trustees.

Melinda Culley, Town Attorney, reported the Board of Trustees have two options to fill the vacant seat:

- The Board of Trustees may appoint someone to fill the vacancy
- Order a Special Election for the successor

Once the seat is filled, the new Trustee will serve the remaining term of former Trustee Webb which is through April 2022, the next regular election.

Colorado State Statute requires that if the Board of Trustees does not appoint a successor or order and election within 60 days a special election must be ordered as soon as possible.

The Town's general practice has been to advertise the vacancy and accept applications, or someone could be appointed immediately. Ms. Culley expressed it is a good opportunity to advertise and accept applications for those interested in filling the vacancy.

Trish Stiles, Town Administrator, recommended to the Trustees that Town Staff advertise for the candidate and "beef up" the application and questionnaire. Interviews for potential candidates could be held during the September 8 or September 22, 2020 board meetings. Trustee Pulliam and Trustee Sus offered assistance to Ms. Stiles with the application update.

Mayor Royce Pindell encouraged the Trustees to provide Ms. Stiles with information and/or questions they would like to see asked of the candidates.

Mayor Royce Pindell called for a recess at 8:13 p.m.

The Board meeting came out of recess at 8:18 p.m.

6. TOWN STAFF REPORTS

Town Administrator

Trish Stiles, Town Administrator provided the following report;

- The Town has received new applications for development from Quik Trip and First National Bank. Please direct any questions back to Town Staff so the Quasi-Judicial process is not compromised.
- The Board Retreat on July 24, 2020 was very productive. The Board will be kept up to date on the process of the following 7 major priorities:
 - Comprehensive Plan update; the Town received \$12,500.00 DOLA administrative grant
 - Renewal Water Contract
 - Transportation Improvements and Signalization on Highway 79
 - The Town received a grant received from CDOT for Muegge Way improvements for \$50,000.00
 - New Public Works Facility
 - At Grade Storage Tank
 - Design of wastewater treatment facility expansion
 - Bennett Regional Park and Open Space pond repurposing project
- Summer months = increased water usage. Some residents have seen significant water bills due to significant landscaping and the hot dry weather. The Town has been reaching out to the homeowners to encourage water conservation. If the Trustees are approached with questions about their water bills, please direct them to Ms. Stiles.
- Enjoyed her family vacation to Wyoming and Yellowstone
- Ms. Stiles received her Manager Credentials through ICMA
- The BennT Creek Water Authority meeting was cancelled in August

Assistant to the Town Administrator

Taeler Houlberg, Assistant to the Town Administrator provided the following report;

- Bennett Days is moving forward; Tri-County Health has used the Town of Bennett as positive example for other municipalities.

7. TRUSTEE COMMENTS AND COMMITTEE REPORTS

Royce Pindell

Mayor Royce Pindell reported on the following:

- Traveled to Wyoming for a little rest and relaxation.
- The Water Bonds were sold at 2.3%; closing Wednesday August 19, 2020.
- Unable to attend Arapahoe County breakfast call due to schedule conflict.
- Thanked Trustee Pulliam for filling in at tonight's board meeting.

Denice Smith

Trustee Smith reported on the following;

- The Bennett School is requiring the Centennial Subdivision students 7-12 grade cross Hwy 79 due to COVID-19. Trustee Smith inquired to Ms. Stiles if CDOT could be approached to install a red light to allow the students to cross Highway 79. Be aware of the students walking to school. Ms. Stiles has been in discussions with Robin Purdy regarding safety and options.

Rich Pulliam

Trustee Pulliam reported on the following;

- Requesting Staff clarify the increase of calls to service to Love's Truck Stop. Ms. Stiles, Mayor Pro Tem Harrell and Commander Karl Smalley are meeting on August 12 to discuss Love's increase in calls.

8. EXECUTIVE SESSION

For determining positions relative to matters that may be subject to negotiations; developing strategy for negotiations; and instructing negotiators under C.R.S. 24-6-402(4)(e); Muegge Farms Filing 4, Public Improvement Incentive.

TRUSTEE PULLIAM MOVED, MAYOR PRO TEM HARRELL to go into executive session for determining positions relative to matters that may be subject to negotiations; developing strategy for negotiations; and instructing negotiators under C.R.S. 24-6-402(4)(e); Muegge Farms Filing 4, Public Improvement Incentive. The voting was as follows:

YES: Harrell, Oakley, Pindell, Pulliam, Smith, Sus

NO: None

The Mayor declared the motion carried by unanimous vote. The Board went into executive session at 8:50 p.m.

The Board came out of executive session at 10:02 p.m. The Mayor announced that the Board had been in executive session and the following persons participated virtually in that session: Trish Stiles, Rachel Summers, Melinda Culley, Mayor Pro Tem Harrell, Trustee Sus, Trustee Oakley, Trustee Pulliam, Taeler Houlberg, Trustee Smith, and Mayor Royce Pindell. The Mayor asked if there were any matters not included in the motion for an executive session or violations of the Open Meetings Law, and if so, that these concerns be stated for the record. No concerns were presented.

The Board of Trustees resumed the open meeting at 10:03 p.m.

9. REPORT FROM EXECUTIVE SESSION

Town Staff received direction for further negotiation.

10. ADJOURNMENT

TRUSTEE PULLIAM MOVED, MAYOR PRO TEM HARRELL SECONDED to adjourn the meeting. The meeting was adjourned at 10:15 p.m. Voting was as follows:

YES: Harrell, Oakley, Pindell, Pulliam, Smith, Sus

NO: None

The Mayor declared the motion carried by unanimous vote.



Royce D. Pindell, Mayor



Christina Hart
Town Clerk